

ARKANSAS STATE BOARD OF PHARMACY
322 South Main St., Suite 600
Little Rock, AR 72201

The Arkansas State Board of Pharmacy met for a regular scheduled Board meeting on February 23rd and 24th, 2016. The meeting was held at the Arkansas State Board of Pharmacy office at 322 South Main St., Suite 600, Little Rock, AR.

Tuesday, February 23, 2016

The meeting was called to order by Lenora Newsome, P.D., President. Members present were Stephanie O'Neal, P.D.; Thomas Warmack, P.D.; Kevin Robertson, Pharm.D.; Cheryl Bryant, Pharm.D.; and Carol Rader. Staff members present were John Kirtley, Pharm. D., Executive Director; Brenda McCrady, P.D, Assistant Director; Inspector Clyde Frazier, P.D.; Inspector Rusty McSpadden, P.D.; and Lana Whitmore.

The minutes from the October, 2015 meeting was reviewed.

BOARD ACTION:

Dr. O'Neal made the motion that the minutes of the October 2015 meeting be approved. Dr. Cheryl Bryant seconded the motion. The vote for the motion was unanimous.

Mrs. Whitmore presented the Board with the financial report for review. Dr. Kirtley presented the expense reimbursement list as well as stipend approval for board members, pursuant to Arkansas Statute 25-16-902 and 25-16-905.

BOARD ACTION:

Dr. Cheryl Bryant made the motion to accept the financial report and to approve the expense reimbursement list. Dr. O'Neal seconded the motion. The vote for the motion was unanimous.

The Board interviewed candidates for Reciprocity. Each applicant was asked to complete a questionnaire regarding practice history, type of business, and background. The following candidates were present:

Michael M. Arnold
Brett Joseph Balderson
Sara Brooke Barham
Richard Kent Bayless
Lacy Michelle Burns
Klem Price Chandler
Sabrina Fenceroy Chappell
Clayton Stewart Cleveland

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Jennifer Paige Curran
Jason Steven Davis
Kristy Lauren Davis
Justin Ryan Dent
Daniel Scott Distefano
John Joseph Docherty
Joseph Max Eiler
Kimberly Dunagan Epps
Mark G Fogel
Aaron Lane Fredricks
Varsha Gaitonde
Christopher Kent Griffie
John Thomas Guthrie
Shaneria Marie Harris
Zachary Daniel Helgen
Miranda Nicole Helmerichs
Amberly Carol Hix
Ryan Hollingsworth
Matthew D Horowitz
Joshua Nathaniel Jacobs
Daniel Joseph Jandak
Michael Adrian Lee Jobe
Ladavia Drummond Just
Eric M Kaufman
Humphrey Tita Kem-Bumbala
Christopher Ellis Kennedy
Stacey Marie Kennedy
Andrew Douglas King
Nicole LeLouis Klones
Caroline P Kustenmacher
Randy Chad Leonard
Kelli Elizabeth Lewis
Joseph Olayinka Majekodunmi
Thomas Joseph McCool
Tyler Lee Micsky
Andrew Erin Mikles
Aaron Ali Morrow
Amanda B Nave
Aristidis Nikolitsis
Randall James Novak
Ashley Wilder Parsons
Christopher Y Perseo
Mitesh Gopal Prajapati
Catherine Louise Ronalder
Shefali B Shah
Jessica Lynn Sinsheimer

Denis Smirnov

Erin Eileen Stack

Mark Kelso Taylor

Nicholas Thomas Terranova

Rodney Bernard Thomas

Lance Wall Thompson

Emmanuel Chima Timothy

Tai-Ling Tu

Trang Khanh Van

Seth Andrew Vanek

Amy Coggin Weathers

John Albert Williams

Amanda Ann Wright

Chue Yang

BOARD ACTION:

Dr. Cheryl Bryant made the motion to approve the above applicants for reciprocity. Dr. Warmack seconded the motion. The vote for the motion was unanimous. Dr. O'Neal provided information regarding the Arkansas Pharmacist Association to the applicants. Dr. Kirtley spoke to the applicants regarding Arkansas CE requirements.

Dr. McCrady presented the Board with the following Consent Agreements, Probation Consent Orders, Voluntary Surrenders, and Agreed Temporary Orders:

Dendreon Pharmaceuticals, Inc., WD04018

Tiffany J. Mace, PD10551

Kathy Diane Collier, PD11278

Cystic Fibrosis Services, #16280, OS01582

Dwayne A. Franks, PD05820

Nakyo Heo, PD13311

Teresa Hudson, PD07803

Little Rock Fertility Center, LP, HP02064

Physician Choice Pharmacy, OS02412

Vinson Alan Shinabery, PD07430

Eirie Health Service, OS02429

Unique Pharmaceuticals, Ltd., OS01629

Advanced Pharmacy, LLC, OS02341

Adam L. Patterson, Tech Applicant; Stephanie Lyn Holifield, PD09873; and Walgreens #6765, AR20323

Liberty Medical, Inc., MG01201

Gary Benton, PD06865

Brittany Goings Marsh, PD11984

Ron Chapmond, PD06096

Patricia Desomma, PT03432; William Bond, PD08985, and Walgreens #5789, AR00109

The Apothecary Shop – Dallas, TX

Tammi Haley, PD07634

Natasha Adkins, PD10796 and Whitney Maxwell, PD11069

Med 4 Home Pharmacy, OS01481

Bobby Gene Evans, PD05211

Institutional Pharmacy Solutions, OS02359

Levi Travis Campbell, PD11511

Patricia Futrell Turner, PD07340

Shawntell Looney, PT03440

Charles Mont Mitchell, III, PT01886

Josiah Clowers, PT97301

Crystal Gail Hall, PT90704

Dane Franklin Nunley, PT92133

Roger Brandon Petit, PD20184

Jonathan Cornelius Reid, PT94111

Eric Crumbaugh, PD10734

BOARD ACTION:

Dr. O'Neal made the motion to approve the Consent Agreements, Probation Consent Orders, Voluntary Surrenders, and Agreed Temporary Orders as presented. Dr. Cheryl Bryant seconded the motion. The vote for the motion was unanimous.

Kevin Robertson and Jacqueline Acuna, with Baptist Health Medical Center – NLR and James Welborn, Director of Pharmacy for St. Bernards Medical Center appeared before the Board to provide the final update on the Tech-Check-Tech pilot program at each respective hospital. Dr. Acuna explained that in December 2015 an additional technician was validated for the program, which made a total of four technicians in the program at Baptist. Dr. Acuna said the original three technicians were audited at the twelve-month point – each VPT checked an average of 150 doses, and the accuracy rate for each technician was 100%. Dr. Acuna reported the project demonstrates that pharmacy technicians validated using a structured program can ensure accurate and efficient ADC replenishment, and it allows clinical pharmacists the ability to focus on clinical responsibilities. Dr. Acuna requests that the Board approve an on-going pilot status for the Tech-Check-Tech program at Baptist Health Medical Center – NLR. Next, Dr. Welborn provided the Board with the final Tech-Check-Tech update for St. Bernards. Dr. Welborn stated that in addition to allowing clinical pharmacists to focus on clinical responsibilities, the program has also allowed them to have a clinical pharmacist working as a triage pharmacist rather than a verification pharmacist. Dr. Welborn also requests the Board approve an on-going pilot status for the Tech-Check-Tech program at St. Bernards Medical Center.

BOARD ACTION:

Dr. O'Neal made the motion to approve both St. Bernards' and Baptist's (NLR) request to move forward with the on-going Tech-Check-Tech program provided that each pharmacy submit a quality assurance report to Board staff on an annual basis. The motion was amended to clarify that introduced errors will need

to be part of the annual report to the Board. Dr. Warmack seconded the motion. The vote for the motion was unanimous.

Discussion Items:

Dr. Kirtley discussed what pharmacists can do when under an Order where the pharmacist has agreed not to practice pharmacy while seeking treatment. He said many do different types of jobs, but there is a fine line when the person requests to work in a pharmacy setting even though it may not be directly in the pharmacy (i.e., billing for pharmacy, but has to walk through pharmacy area to get to office, etc.). Dr. Kirtley will continue to ask the individual to appear before the Board (either in a formal or informal setting) and let the Board decide what position the Board wants to take in these type of situations.

Dr. Kirtley told the Board he was contacted by a pharmacist who has a specific patient in an assisted living facility (not a nursing home) that he provides the patient's medications in multi-dose packs. The patient's insurance requires the patient to get a 90-day supply of medicine; however, the multi-dose packs can only be a one-month supply, and the pharmacist wanted an exception for this patient. The Board asked Dr. Kirtley to find out if the pharmacist has contacted the PBM for a specific override before giving him further direction.

The Board adjourned for lunch.

The Board reconvened after lunch. Board Member, Dr. Steve Bryant is now in attendance of the meeting.

Discussion Items:

Naloxone discussion

Dr. Kirtley said there has been a discussion regarding what exactly pharmacists can do with Naloxone. He said there was a bill passed during the past legislative session that had language about health care professionals can prescribe and dispense. He said we have asked for clarification from the Department of Health because it says health care professionals and then delineates in another section health care professionals or pharmacists. Dr. Kirtley said he has spoken with several individuals regarding which way we should interpret the criteria. If the intent of the law is to make it as open and available as possible that there could be a standing order for the whole State of Arkansas it so that basically every pharmacy has a standing order that will allow pharmacists to sell Naloxone almost as an OTC. Nikki Hillard, Scott Pace, and John Vinson all spoke regarding the issue. Scott Pace said the Association would like it included in the Pharmacy Practice Act.

Dr. Kirtley presented the Board with a Preliminary Consent Order for the following:

Julia Goff, PD08563
Jacob Leslie, PD11068

BOARD ACTION:

Dr. O'Neal made the motion to accept the Preliminary Consent Orders, as presented. Dr. Cheryl Bryant seconded the motion. The vote for the motion was unanimous.

eMar discussion:

Lou Getter and Bonnie Lawhorn with Mobile MedSoft appeared to discuss their product, Med-Tablet. Currently, they would like to use this product in psychiatric hospitals in Arkansas. Med-Tablet wirelessly communicates on WiFi networks, patient healthcare information, including medication orders, between the pharmacy and any healthcare facility. Most of the cost is covered by the facility with only a minimal charge to pharmacy.

BOARD ACTION:

Dr. Cheryl Bryant made the motion to approve Med-Tablet for use in Arkansas. Dr. O'Neal seconded the motion. The vote for the motion was unanimous.

Tony Coco, with Blue Strata EMR appeared before the Board to request approval for use his product in pharmacies in AR. Partners with customers to integrate the EHR database by building a fully functional data warehouse, designed to provide the user with more meaningful and useful information for business analysis. Interfaces with pharmacy software, typically free of charge to the pharmacy. The facility can print orders and fax to pharmacies that are not connected through the system.

BOARD ACTION:

Dr. Cheryl Bryant made the motion to approve Blue Strata EMR for use in Arkansas. Dr. Steve Bryant seconded the motion. The vote for the motion was unanimous.

Andy Brigant with PointClickCare appeared before the Board to discuss his products and to request a pilot project. PointClickCare services skilled nursing facilities. They connect with pharmacy dispensing systems to better serve patients. A preferred pharmacy can be specified for each resident. Mr. Brigant said he would like to request to run a two building (nursing facilities) pilot with a local pharmacy. Ongoing charges for interface will be billed to nursing facility. The Board had questions regarding interfacing issues.

BOARD ACTION:

Dr. O'Neal made the motion that based on the fact that the Board does not have enough information today, that PointClickCare pick two to five facilities that he would like to work with on a pilot project and re-appear before the Board in order for the Board to questions the skilled nursing facilities before approving a pilot program. Dr. Cheryl Bryant seconded the motion.

Dr. O'Neal rescinded the motion.

BOARD ACTION:

Dr. Warmack made the motion to not approve the PointClickCare pilot program at this time. The Board needs more information. Bring more information and reappear before the Board to request a pilot. Dr. Steve Bryant seconded the motion. The vote for the motion was unanimous.

Theresa Chase, president of American Healthtech appeared before the Board to ask for approval to use their long term care software product, which allows for pharmacy integration between skilled nursing facilities in Arkansas and pharmacies.

BOARD ACTION:

Dr. Warmack made the motion to approve American Healthtech to use this product in Arkansas. Dr. Steve Bryant seconded the motion. The vote for the motion was unanimous.

Wednesday, February 24, 2016

The meeting was called to order by Lenora Newsome, P.D., President. Members present were Stephanie O'Neal, P.D.; Thomas Warmack, P.D.; Kevin Robertson, Pharm.D.; Steve Bryant, P.D.; and Carol Rader. Staff members present were John Kirtley, Pharm. D., Executive Director; Brenda McCrady, P.D, Assistant Director; Chris Carnahan, General Counsel; Inspector Ron Ewing, P.D.; and Inspector Rusty McSpadden, P.D.

A hearing was scheduled in answer to a request for reinstatement by **Steven Paul Bowdle, PD06648 (Revoked)**. Dr. Newsome called the hearing to order and turned the proceeding over to the Hearing Officer, Charlie Moulton. Dr. Bowdle was not represented by counsel. Chris Carnahan was present to represent the Board.

BOARD ACTION

Dr. O'Neal made the motion in the matter of **Steven Paul Bowdle, PD06648, Case #2016-006**, that because Allegations A1 – A3 are true and Charges C1- C3 have been proven, the request for reinstatement is denied. Dr. Steve Bryant seconded the motion. The vote for the motion was unanimous.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Carl S. Duckworth, PD06284 and Sexton Pharmacy, AR15996**. Dr. Newsome called the hearing to order and turned the proceeding over to the Hearing Officer, Charlie Moulton. Dr. Duckworth was not represented by counsel. Chris Carnahan was present to represent the Board.

BOARD ACTION

Dr. Bryant made the motion that in the matter of **Carl S. Duckworth, PD06284 and Sexton Pharmacy, AR15996**, Case #2016-022, the Board finds Allegations A1 – A13 are true. Dr. Warmack seconded the motion. The vote for the motion was unanimous.

BOARD ACTION

Dr. Bryant made a second motion that in the matter of **Carl S. Duckworth, PD06284 and Sexton Pharmacy, AR15996**, Case #2016-022, the Board finds that Charges C1, C3, C5, C7, and C9 against **Sexton Pharmacy** have been proven. Dr. Warmack seconded the motion. The vote for the motion was unanimous.

BOARD ACTION

Dr. Bryant made a motion that in the matter of **Carl S. Duckworth, PD06284 and Sexton Pharmacy, AR15996**, Case #2016-022, the Board finds that Charges C2, C4, C6, and C8 against **Carl S. Duckworth** have been proven. Dr. Warmack seconded the motion. The vote for the motion was unanimous.

BOARD ACTION

Dr. Bryant made a motion in the matter of **Carl S. Duckworth, PD06284 and Sexton Pharmacy, AR15996**, Case #2016-022, that the Board assess a \$500 fine for each proven charge. Dr. Robertson seconded the motion. The vote for the motion was unanimous.

BOARD ACTION

Dr. Bryant made a motion in the matter of **Carl S. Duckworth, PD06284 and Sexton Pharmacy, AR15996**, Case #2016-022, that Sexton Pharmacy is to be put on probation for a period of five years and the Arkansas State Board of Pharmacy staff inspect will inspect the pharmacy annually and prior to the next Board Meeting. Dr. Warmack seconded the motion. Dr. Robertson, Dr. O'Neal, and Mrs. Rader voted against the motion. The vote for the motion does not pass.

BOARD ACTION

Dr. Robertson made a motion in the matter of **Carl S. Duckworth, PD06284 and Sexton Pharmacy, AR15996**, Case #2016-022, that Sexton Pharmacy is to be put on probation for a period of five years and the Arkansas State Board of Pharmacy staff inspect will inspect the pharmacy annually and prior to the next

Board Meeting. Dr. Warmack seconded the motion. Dr. Robertson, Dr. O'Neal, and Mrs. Rader voted against the motion. The vote for the motion does not pass.

BOARD ACTION

Mrs. Rader made a motion in the matter of **Carl S. Duckworth, PD06284 and Sexton Pharmacy, AR15996**, Case #2016-022, that if Sexton Pharmacy does not pass inspection with no non-compliances by March 15, 2016, board staff shall immediately proceed with an Order and Notice of Hearing for the March 31, 2016, Informal meeting and shall schedule that meeting as a formal Board Meeting to consider final revocation of Sexton Pharmacy license. Dr. O'Neal seconded the motion. Dr. Robertson voted against the motion. The vote for the motion passes.

A hearing was scheduled in answer to an Order and Notice of Hearing in the matter of **Delta Drug Company, AR12990, Jeffery Dunn, PD05303 and Sarah Hill, PT01508**. Dr. Newsome called the hearing to order and turned the proceeding over to the Hearing Officer, Charlie Moulton. The Respondents were not present. Chris Carnahan was present to represent the Board.

BOARD ACTION

Dr. Steve Bryant made the motion in the matter of **Sarah Hill, PT01508**, Case #2016-028, that Allegations A4 and A5 are true. Dr. Robertson seconded the motion. The vote for the motion was unanimous.

BOARD ACTION

Dr. Steve Bryant made the motion in the matter of **Sarah Hill, PT01508**, Case #2016-028, that Charges C14370 and C14371 were proven. Dr. Robertson seconded the motion. The vote for the motion was unanimous.

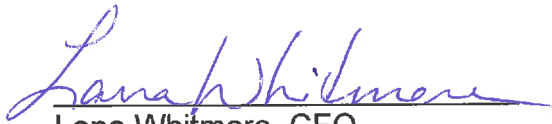
BOARD ACTION

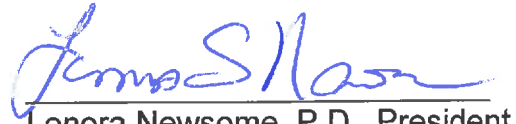
Dr. Steve Bryant made the motion in the matter of **Sarah Hill, PT01508**, Case #2016-028, that her pharmacy technician license be revoked immediately. Dr. Robertson seconded the motion. The vote for the motion was unanimous.

The meeting was adjourned.

Prepared by:

Approved for the Board:


Lana Whitmore, CFO


Lenora Newsome, P.D., President